

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1293 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 human services and to make an appropriation.
- 4 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 5 "SECTION 1. IC 12-7-2-122.2 IS ADDED TO THE INDIANA
- 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2002]: **Sec. 122.2. "Labeler", for purposes of**
- 8 **IC 12-15-35.5, has the meaning set forth in IC 12-15-25.5-1.**
- 9 SECTION 2. IC 12-7-2-127.3 IS ADDED TO THE INDIANA
- 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2002]: **Sec. 127.3. "Manufacturer", for**
- 12 **purposes of IC 12-15-35.5, has the meaning set forth in**
- 13 **IC 12-15-35.5-2."**
- 14 Delete page 2.
- 15 Page 3, delete lines 1 through 20.
- 16 Page 3, line 24, delete "Preferred Drug Formulary" and insert
- 17 **"Seniors Health Maintenance Program".**
- 18 Page 3, delete lines 25 through 42, begin a new paragraph and
- 19 insert:
- 20 **"Sec. 1. As used in this chapter, "labeler" means a person or an**
- 21 **entity that:**
- 22 **(1) receives prescription drugs from a manufacturer or**
- 23 **wholesaler;**
- 24 **(2) repackages those drugs for later retail sale; and**

(3) has a labeler code from the federal Food and Drug Administration under 21 CFR 207.20.

Sec. 2. (a) As used in this chapter, "manufacturer" means a person who, by compounding, cultivating, harvesting, mixing, or other process produces or prepares legend drugs. The term includes a person who:

- (1) prepares legend drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process; or
- (2) packages or repackages legend drugs.

(b) The term does not include a pharmacist or practitioner in the practice of the pharmacist's or practitioner's profession.

Sec. 3. The seniors health maintenance program is established to provide discounted prescription drug prices to elderly Indiana residents.

Sec. 4. An Indiana resident is eligible to participate in the seniors health maintenance program if the resident meets the following criteria:

- (1) The resident is at least sixty-five (65) years of age.
- (2) The resident has a family income of not more than two hundred percent (200%) of the federal poverty level.

Sec. 5. A seniors health maintenance program participant may obtain prescription drugs at the discounted price offered by a drug manufacturer or labeler under section 4 of this chapter.

Sec. 6. (a) A drug manufacturer or labeler that sells prescription drugs in Indiana may voluntarily elect to participate in the seniors health maintenance program.

(b) A drug manufacturer or labeler that elects to participate in the seniors health maintenance program shall offer the program the best price as defined in 42 U.S.C. 1396r-8 for the prescription drug.

Sec. 7. The office shall administer the program. The office shall establish procedures for:

- (1) determining eligibility; and
- (2) issuing program enrollment cards.

Sec. 8. The office shall apply for a Medicaid waiver under 42 U.S.C. 1396 et seq. from the United States Department of Health and Human Services to implement this chapter.

Sec. 9. The office may adopt rules under IC 4-22-2 to implement this chapter."

Delete pages 4 through 11, begin a new paragraph and insert:

"SECTION 4. IC 16-19-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

#### **Chapter 14. Office of Prescription Drug Coordination**

Sec. 1. As used in this chapter, "office" means the office of prescription drug coordination established by section 2 of this chapter.

1       **Sec. 2. The office of prescription drug coordination is**  
 2 **established.**

3       **Sec. 3. The office has the following duties:**

4           (1) **Collect information concerning any person who offers**  
 5 **private pharmaceutical drug assistance in the state.**

6           (2) **Maintain a database for the information collected under**  
 7 **subdivision (1).**

8           (3) **Assist and counsel individuals with identifying,**  
 9 **determining eligibility, and applying for pharmaceutical drug**  
 10 **assistance for which the individual is eligible.**

11       **Sec. 4. (a) The state health commissioner shall appoint persons**  
 12 **to staff the office, including:**

13           (1) **the director of the office; and**

14           (2) **any other employees that the state health commissioner**  
 15 **determines are necessary.**

16       (b) **The employees appointed under subsection (a)(2) shall**  
 17 **report to the director. The director shall report to the state health**  
 18 **commissioner.**

19       (c) **The director shall supervise the employees assigned to the**  
 20 **office.**

21       (d) **The director shall oversee the administrative functions of the**  
 22 **office.**

23       **Sec. 5. Any person that offers pharmaceutical drug assistance**  
 24 **in the state of Indiana shall notify the office of the following:**

25           (1) **The type of assistance offered.**

26           (2) **The terms of the assistance.**

27           (3) **The eligibility requirements for the assistance.**

28           (3) **The location of the assistance.**

29           (4) **Contact information for the assistance.**

30           (5) **The procedure with which to apply for the assistance.**

31           (6) **Any other information the person determines is relevant**  
 32 **or would help the office in assisting Indiana residents in**  
 33 **accessing the assistance."**

34       Page 12, delete lines 1 through 34.

35       Page 12, delete line 40 and insert **"a waiver to implement the**  
 36 **seniors health maintenance program"**.

37       Page 12, line 42, delete "42 U.S.C. 1396r-8" and insert **"42 U.S.C.**  
 38 **1396 et seq"**.

39       Page 13, after line 10, begin a new paragraph and insert:

40       **"SECTION 5. [EFFECTIVE JULY 1, 2002] (a) If the waiver**  
 41 **applied for under IC 12-15-35.5-8, as added by this act, is approved**  
 42 **by the United States Department of Health and Human Services:**

43           (1) **notwithstanding IC 12-10-16, the Indiana prescription**  
 44 **drug program is abolished; and**

45           (2) **notwithstanding IC 4-12-8 and IC 12-10-16, money in the**  
 46 **Indiana prescription drug account established by IC 4-12-8-2**  
 47 **is transferred to the office of Medicaid policy and planning**

- 1           **and is appropriated for the purpose of administering the**  
2           **seniors health maintenance program established by**  
3           **IC 12-15-35.5-3, as added by this act.**  
4           **(b) This SECTION expires December 31, 2008."**  
5           Renumber all SECTIONS consecutively.  
          (Reference is to HB 1293 as printed February 1, 2002.)

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Representative Murphy